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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE APR 16 2002

TECH CENTER 1600/2900

In re: Patent Application of
Teddy Kosoglou

Serial No.: 10/057,339

: Group Art Unit: 1614

Filed: January 25, 2002

: Examiner: Not yet assigned

For: Combinations of Sterol Absorption
Inhibitor(s) with Cardiovascular Agent(s):
for the Treatment of Vascular Conditions:

: Atty. Docket No.: CV01490K

Petition Under 37 C.F.R. 1.53(e)

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MAY 20 2002

Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

Sir:

This Petition under 37 C.F.R. Sec. 1.53(e) is in response to the Notice of Omitted Items(s) in a Nonprovisional Application ("Notice"), mailed March 19, 2002, regarding the above-identified patent application. Please charge the fee for filing this Petition, One Hundred and Thirty Dollars (\$130.00), or such other fee as is appropriate, to our Deposit Account No. 19-0365.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on

April 1, 2002

(Date of Deposit)

ANN MARIE CANNONI, ESQ.

(Name of applicant, assignee or
Registered Representative)

(Signature)

April 1, 2002

(Date of Signature)

04/11/2002 MGEEREM1 00000128 190365 10057339

01 FC:122 130.00 CH

Adjustment date: 06/14/2002 AKELLEY

04/11/2002 MGEEREM1 00000128 190365 10057339

01 FC:122 130.00 CR

In the Notice of March 19, 2002, it was noted that page 74 of the specification appeared to be omitted from the above-identified patent application as received by the USPTO.

In response to this Notice, Applicant respectfully petitions the Commissioner or his authorized designee to accord page 74 of the specification the benefit of the filing date of January 25, 2002, which has already been accorded to the remainder of the application.

Applicant has enclosed herewith a copy of the date-stamped postcard receipt that lists as 78 the number of pages of specification received by USPTO on the filing date of January 25, 2002. This included alleged missing page 74. According to M.P.E.P. Sec. 503, "[a] postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all of the items listed thereon on the date stamped thereon by the USPTO." Since the postcard receipt itemized that 78 pages of specification were received by the USPTO, Applicant has provided prima facie evidence that page 74 of the specification was received by the USPTO on January 25, 2002 and should be granted the same date of receipt as the remainder of the application, namely January 25, 2002.


Applicant has enclosed herewith a copy of page 74 of the above-identified patent application as filed. Also, Applicant has enclosed a copy of the Notice of March 19, 2002. Applicant respectfully requests reconsideration of the Notice of Omitted Items and that page 74 of the specification be granted the same date of receipt as the remainder of the application, namely January 25, 2002.

Also, Applicant respectfully requests a refund of the petition fee when the USPTO determines that page 74 was in fact received by the USPTO with the

application papers deposited on filing, per M.P.E.P. Sec. 601.01(d).

Respectfully submitted,

Date: April 1, 2002



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Applicant: Teddy Kosoglou et al.
Serial No.: To Be Assigned Atty: AMC:rs
Filed: 1/25/02 Case No: CV01490K
For: COMBINATIONS OF STEROL ABSORPTION
INHIBITOR(S) WITH CARDIOVASCULAR AGENT(S) FOR
Enclosed: THE TREATMENT OF VASCULAR CONDITIONS
☒ Application papers comprising:
 ☐ Request for Filing Provisional Appln.
 ☒ Request for Filing Patent Appln.
 78 pages of Specification
 26 pages of Claims
 1 pages of Abstract
 sheets of Drawing (formal/informal)
☒ Declaration/Power of Attorney-PTO/SB/01-executed
☒ Transmittal letter-PTO/SB/05
☐ Amendment
☐ Notice of Appeal
☐ Appeal Brief (in triplicate)
☐ Petition for Extension of Time
☐ Preliminary Amendment
☐ Information Disclosure Statement
☐ Form PTO 1449
☐ References
☐ Response
☐ Issue Fee Transmittal/parts B & C
☒ Charge to Deposit Account No. 19-0365
 in the amount of \$ 1262.00
☒ Fee Transmittal-PTO/SB/17 (in duplicate)
☒ Cover Sheet
☒ Return Postcard
Date Mailed: 1/25/02
Express Mail Label No.: EV024687938US

jc997 U.S. PTO

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01/25/02